

REMARKS

Claims 1-4, 6-8, 10 and 11 are pending. Claim 3 has been amended to correct a minor typographical error. Claim 9 has been cancelled without prejudice or disclaimer as to Applicants right to pursue the subject matter in a continuing application. Reconsideration and allowance of the present application based on the following remarks are respectfully requested.

Entry of this amendment is respectfully requested as no new search is required and it places the application in a condition for allowance or at least in better form for appeal.

In the Specification

The specification was objected to for incorporating essential material into the specification by reference. As suggested by the Examiner, Applicants amended the specification to include the subject matter that was incorporated by reference in the January 31, 2003 Amendment and have also attached herewith a certificate of translation certifying the true and faithful translation of the relevant portion of Swedish Application SE 465,983. Accordingly, Applicants respectfully request that this objection be withdrawn.

Claim Objections

Claim 3 was objected to for containing a minor typographical error. Applicants have amended claim 3 to correct the typographical error in accordance with the Examiner's suggestion. Accordingly, Applicants respectfully submit that this objection is moot.

Claim Rejections Under 35 U.S.C. § 112

Claim 8 was rejected under 35 U.S.C. § 112, first paragraph. Specifically the Office Action alleges that stop means to limit the movement of the adjusting means is not disclosed in the specification. Applicants submit that the adjusting means 56 (described on page 4, lines 19-22) controls the glass plate 46 and that the stop devices (66, 68) limit the movement of the glass plate (see page 5, first paragraph) and therefore limit the movement of the adjusting means (as shown in Figure 2). Additionally, Applicants have amended the specification to more clearly recite this feature. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

Claim Rejections Under 35 U.S.C. § 103

A. Claims 1, 3, 4, 8, and 9 were rejected under 35 U.S.C. § 103(a) over Coates (U.S. Patent No. 2,690,695) in view of Saunders (U.S. Patent No. 3,332,316) and Simms et al. (U.S. Patent No. 4,171,916). Applicants respectfully submit that this rejection is moot with respect to claim 9 in view of the cancellation of claim 9. Applicants respectfully traverse this rejection with respect to claims 1, 3, 4, and 8..

Claim 1 recites, in part, a device for measuring fiber properties in a flowing suspension which includes a measuring field defined between two limiting surfaces of the cell, and an inlet opening positioned centrally with regard to one limiting surface to obtain a radial suspension flow in the measuring field and an outlet opening. The Office Action relies on Coates as allegedly teaching an outlet port. Applicants respectfully disagree.

Coates does not teach an outlet as recited in claim 1. Although the Office Action alleges that outlet opening 44 is shown, this opening 44 is in fact an inlet. Furthermore, as discussed in column 1, lines 1-10, Coates cell is intended to hold a sample for examination there is no flow and therefore no need for an outlet port. Similarly, Saunders device is also intended for non-flowing liquid samples. Accordingly, Coates and Saunders are not even applicable to the present invention since they do not relate to a device for measuring fiber properties in a flowing suspension.

Furthermore, as admitted in the Office Action, Coates fails to disclose an inlet opening which is positioned centrally with regard to one of the limiting surfaces to obtain a radial suspension flow. The Office Action relies on Saunders as allegedly teaching such a feature. However, Saunders does not teach such a feature. Column 2, lines 45-50 merely indicates that the tube 30 shown in Figure 2 passes through a portion of window 27 and that when desired window 27 can be drilled to accommodate tube 30 entirely, for example, when it is necessary to avoid contact between the sample and cell members 34 and 35. However, Saunders (column 3, lines 20-25) teaches that the determining factor of where to place the tube is to obscure the radiation path as little as possible. Therefore, Saunders actually teaches away from placing the tube centrally with regard to one limiting surface. Neither Coates or Simms remedy this deficiency. Accordingly, no combination of Coates, Simms and Saunders teaches or suggests a device for measuring fiber properties in a flowing suspension which includes a measuring field defined between two limiting surfaces of the cell, and an inlet opening positioned centrally with regard to one limiting surface to obtain a radial suspension flow in the measuring field and an outlet opening, as recited in claim 1.

Claims 3, 4, and 8 are believed allowable for at least the same reasons presented above with respect to claim 1 by virtue of their dependence upon claim 1. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

B. Claims 2, 7, and 11 were rejected under 35 U.S.C. § 103(a) over Coates in view of Saunders and Simms and further in view of Renard et al. (U.S. Patent No. 4,837,446). Applicants respectfully traverse this rejection.

Claims 2, 7, and 11 are believed allowable for at least the same reasons presented above with respect to claim 1 by virtue of their dependence upon claim 1. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.


Conclusion

Applicants appreciate the Examiner's indication that claims 6 and 10 contain allowable subject and would be allowable if rewritten in independent form to include all of the features of their base claim and any intervening claim. However, in view of the foregoing, all the claims are believed to be in form for allowance, and such action is hereby solicited. If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, please contact the undersigned at the telephone number listed below.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Please charge any fees associated with the submission of this paper to Deposit Account Number 03-3975 under Order No. 70051/280126. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,
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